

**MEMO ENDORSED**

**MURIEL GOODE-TRUFANT**  
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**THE CITY OF NEW YORK**  
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December 12, 2024

Via ECF

The Honorable Jeannette A. Vargas  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 703  
New York, New York 10007

**Re: *Fernando Nieves Jr. v. New York City Department of Education, et al.***  
**Case No. 1:24-cv-06267-JAV**

Dear Judge Vargas:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York. I represent Defendant, the New York City Department of Education (“DOE”), in the above-referenced action. I write on behalf of both the DOE and Co-defendant, the United Federation of Teachers (“UFT”), to jointly request that this Court stay the current December 16, 2024 deadline for all Defendants to respond to Plaintiff’s Complaint. *See* ECF Nos. 1, 15.

Plaintiff, a former DOE teacher, brings this case pursuant to Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Rehabilitation Act, the Age Discrimination in Employment Act, the New York State Human Rights Law, and the New York City Human Rights Law. Among other things, Plaintiff primarily claims that – because of his 51-year-old age, psychiatric disability, and Hispanic race – Defendants discriminated against him, failed to accommodate him, subjected him to harassment and a hostile work environment, and then retaliated against him for complaining about the discrimination.

On December 9, 2024, the undersigned contacted Plaintiff via e-mail to inform him that the DOE intended to request an extension of time from the Court – from December 16, 2024 to January 6, 2025 – to respond to his Complaint. Plaintiff consented to the DOE’s extension request. However, Plaintiff simultaneously alerted the undersigned that he intended to file an Amended Complaint on or before January 6, 2025. The undersigned consented to Plaintiff filing

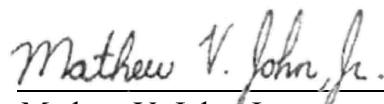
an Amended Complaint. The undersigned then notified Oriana Vigliotti, Esq., counsel for the UFT, of Plaintiff's intent to file an Amended Complaint on or before January 6, 2025.

In light of Plaintiff's intent to file an Amended Complaint on or before January 6, 2025, and to have the most efficient schedule possible, Defendants jointly and respectfully request that this Court stay the current response deadline of December 16, 2024 until the time that Plaintiff files his Amended Complaint.

The DOE also separately and respectfully requests that this Court, *sua sponte*, grant individually-named Defendants Joseph Zaza, Anne Garner, Rosemary Driori, Jeffrey Chetirko, and Joyell Simmons, all of whom are not yet officially represented by the New York City Law Department, the same stay of the December 16, 2024 deadline to respond to the Complaint. The New York Law Department is still in the process of finalizing representation decisions for the individually-named Defendants.

I thank the Court for its consideration of this request.

Respectfully submitted,



Mathew V. John, Jr.  
Assistant Corporation Counsel

cc: Via ECF, United States Mail, and E-mail  
 Fernando Nieves, Jr.  
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Via ECF  
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Plaintiff shall either file an amended complaint by January 6, 2025, or submit a letter to the Court on that date stating whether it is still his intent to amend the Complaint. The Defendants' time to respond to the Complaint is extended until January 13, 2025. This extension of time includes the individually-named Defendants Joseph Zaza, Anne Garner, Rosemary Driori, Jeffrey Chetirko, and Joyell Simmons. The Clerk of Court is directed to terminate ECF No. 20.

Date: 12/13/2024

**SO ORDERED.**



HON. JEANNETTE A. VARGAS  
UNITED STATES DISTRICT JUDGE